

FILED

FOR THE DISTRICT OF MONTANA

AUG 06 2012

PATRICK E. DUFFY CLERK
BY _____

BY

Deputy Clerk

**U.S. DISTRICT COURT
BILLINGS DIVISION**

BILLINGS DIVISION

TIM W. DAVIS,

Plaintiff,

VS.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

CV-11-130-BLG-RFC

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE**

On July 10, 2012, United States Magistrate Judge Carolyn Ostby entered Findings and Recommendation. Magistrate Judge Ostby recommends this Court dismiss this case for failure to prosecute.

Upon service of a magistrate judge's findings and recommendation, a party has 14 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the July 10, 2012 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to

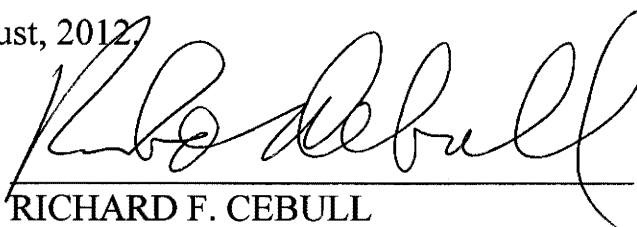
review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** that this case is **DISMISSED** for failure to prosecute. The Clerk of Court is directed to enter Judgment in this matter and close this matter accordingly.

The Clerk of Court shall notify the parties of the entry of this Order.

DATED the 6 day of August, 2012.



RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE